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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,651	10/27/2003	Samuel P. Hopkins	FORE-106	3989
7590 Ansel M. Schwartz Suite 304 201 N. Craig Street Pittsburgh, PA 15213				
EXAMINER CHOL, EUNSOOK				
ART UNIT		PAPER NUMBER		
2419				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/694,651

Applicant(s)

HOPKINS, SAMUEL P.

Examiner

EUNSOOK CHOI

Art Unit

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-27 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 15-27 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 10/27/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to because Fig. 1 and Fig. 2 lack descriptive text labels. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 19 is objected to because of the following informalities: Claim 19 recites "A system 10 as claimed in Claim 18", and 10 appears to be an error. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 15-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

- Claims 15 and 23 recite the limitation “the third node cannot utilize any port between the first node and the second node except for TCP/IP ports that have been predefined from the first node to the second node and only if the third node is allowed to by the first node” which is not supported by the original disclosure as a whole, i.e., a new matter. Specification on page 7 line 13 mentions that TCP/IP ports that have been predefined from the first device (in the second network) to the second device (in the first network). New claims 15 and 23 recite that TCP/IP ports that have been predefined from the first node (in the first network) to the second node (in the first network).

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 15-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claims 15 and 23 recite "a communication portion in communication with the first network and the third node and through which the third node is only able to communicate with the first TCP/IP port of the first node via TCP/IP port extension using gateway methodology, such that the second node cannot be accessed by the third node through the first node and **the first network is not connected to the second network**" which is indefinite because there is a sort of connection between the first network and the second network in the limitations of "a communication portion in communication with the first network and the third node".
- Claims 15 and 23 recite the limitation "the third node cannot utilize any port between the first node and the second node **except for TCP/IP ports that have been predefined from the first node to the second node** and only if the third node is allowed to by the first node" which is indefinite whether the highlighted portion is repeating the previous limitation "the first TCP/IP port and the second TCP/IP port having been predefined by an administrator, wherein the first TCP/IP port and the second TCP/IP port will remain constant and cannot be changed".
- Claims 15 and 23 recite the limitation "both the client and server". There is insufficient antecedent basis for this limitation in the claim.
- Claim 20 recites "the first network having a primary server" which is indefinite whether a primary server is different from the server in its parent claim 15.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 15-17 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keane et al. (US 20030131263).

Regarding claims 1, 23, and 24, Keane teaches a first network (**Fig.1, Network 110**) having a first node (**Fig. 1, gateway 106**) with a first port and a second node (**Fig. 1, 118**) with a second TCP/IP port (**[0076] the TCP header portion 508 may include a destination port number of 551**), which can communicate with each other, the first port and the second TCP/IP port having been predefined by an administrator, wherein the first port and the second TCP/IP port will remain constant and cannot be changed unless both the client and server are physically changed; a second network (**Fig. 1, Network 112**) having a third node (**Fig. 1, 120**) separate and apart from the first network; and a communication portion in communication with the first network and the third node and through which the third node is only able to communicate with the first port of the first node via port extension using gateway methodology (**Fig. 1, gateway 106**), such that the second node cannot be accessed by the third node through the first node and the first network is not connected to the second network; wherein the system is configured such that the third node cannot utilize any port (**[0083] Firewall module 312 in the gateway may disallow certain TCP or UDP ports to be used in packets**

destined to host 114) between the first node and the second node except for TCP/IP ports that have been predefined from the first node to the second node and only if the third node is allowed to by the first node which prevents an intruder who compromises the second network from gaining access to the first network except for the first TCP/IP port (**Fig. 8 and Paragraphs [0100]-[0197]** **gateway 106 may examine packet 500 and TCP/IP module 310 in the gateway may forward IPSec packet 512 to network interface 300 and network 110).** Keane teaches the first node with a first port, however, Keane does not expressly teach the first port is a TCP/IP port. Keane in **Fig. 3** shows TCP/IP module in the gateway and in **[0076]** TCP Tunnel to a gateway. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have a first TCP/IP port in order to provide tunneling and encryption to their firewall solutions ([0011], Keane).

Regarding claims 16, 17, and 25, Keane teaches the limitations for claims 15 and 24 above. Keane teaches the communication portion includes the Internet (**Fig. 1 and [0043]** **base network 104 may be implemented using the Internet to facilitate communication between networks 110 and 112).**

9. Claims 18-22, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keane et al. (US 20030131263) in view of Salama et al. (US 7457290).

Regarding claims 18 and 26, Keane teaches the limitations for claims 17 and 25 above. However, Keane does not teach the second network has the third node and a fourth node which can communicate with each other but only with the first node or the

second node through individual connections through the first port of the first node or the second port of the second node, respectively. Salama teaches in **Fig. 8** PSTN (the first network) with two gateways, gateway A to H323 terminal and gateway B to LAN PBX, **Fig. 9 and Col. 5 Lines 42-63** SIP terminals and a SIP proxy server. It would have been obvious to one of ordinary skill at the time of the invention was made to have the second network has the third node and a fourth node which can communicate with each other but only with the first node or the second node through individual connections through the first port of the first node or the second port of the second node in order to evolve two Internet Telephony signaling protocols: H.323 and SIP (Col. 1 Lines 31-33, Salama).

Regarding claims 19 and 27, Keane and Salama teach the limitations for claims 18 and 26 above. Keane teaches the first network monitors and manages the second network (**Fig. 3, Control and monitoring module 316**).

Regarding claim 20, Keane and Salama teach the limitations for claim 15 above. Keane teaches using gateway methodology so the second node cannot be accessed by the third node through the first node (**[0083] Firewall module 312 in the gateway may disallow certain TCP or UDP ports to be used in packets destined to host 114**). However, Keane does not teach the first network having a primary server in communication with the first node and the second node; and the second network having a fourth node and a client server in communication with each other and the third node, the third node having a connection with the port of the first node via the client server and through the Internet and the primary server. Salama teaches **Fig. 8** PSTN (the first

network having a primary server) with two gateways, gateway A to H323 terminal (the client server) and gateway B to LAN PBX, **Fig. 9 and Col. 5 Lines 42-63** SIP terminals - client server and a SIP proxy server - a primary server). It would have been obvious to one of ordinary skill at the time of the invention was made to have the first network having a primary server in communication with the first node and the second node; and the second network having a fourth node and a client server in communication with each other and the third node, the third node having a connection with the port of the first node via the client server and through the Internet and the primary server in order to evolve two Internet Telephony signaling protocols: H.323 and SIP (Col. 1 Lines 31-33, Salama).

Regarding claim 21, Keane and Salama teach the limitations for claim 20 above. Keane teaches the client server encrypts data from the third node on the connection and the primary server decrypts data for the first node **([0104] IPSec module 314 may then examine and decrypt IPSec packet 512 based on information in IPSec header portion 514 and partner list 400).**

Regarding claim 22, Keane and Salama teach the limitations for claim 21 above. Keane teaches the first network monitors and manages the second network **(Fig. 3, Control and monitoring module 316).**

Response to Arguments

10. Applicant's arguments with respect to claims 15-27 have been considered but are moot in view of the new ground(s) of rejection. New claims recite limitations rejected

under 35 U.S.C. 112, 2nd paragraph, and are examined as best understood by the examiner.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EUNSOOK CHOI whose telephone number is (571)270-1822. The examiner can normally be reached on Monday-Friday 8:00-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EC
12/3/2008

/Wing F. Chan/
Supervisory Patent Examiner, Art Unit 2419
12/4/08